

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

Daniel VICTORIA-BENTANCOURT
AKA: Daniel BENTANCOURT

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL. S.J.

CRIMINAL COMPLAINT

(Name and Address of Defendant)

CASE NUMBER:

07 70281 HRL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, February 28, 2007, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following
facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Bryan T. Kennedy
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Darin [Signature]
Signature of Complainant

Sworn to before me and subscribed in my presence,

5/16/07
Date

at

San Jose, California

City and State

Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

[Signature]
Signature of Judicial Officer

RE: VICTORIA-BENTANCOURT, Daniel

A 078 055 234

I, Darin L. Masterton, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, and the former Immigration and Naturalization Service (INS), since September 15, 1996. I am currently assigned to the Criminal Alien Program (CAP) at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) DEFENDANT: Daniel VICTORIA-BENTANCOURT, is a 29-year-old male, citizen and native of Mexico, born on October 21, 1977, in Michoacan, Mexico, substantiated by official A-File records, and statements given by the DEFENDANT on February 28, 2007, to ICE Immigration Enforcement Agent Alejandro Sierra;
- (2) DEFENDANT has been assigned Alien Registration number A078 055 234, FBI number of 623724FB0 and California Criminal Information Index number of A11854726;
- (3) The DEFENDANT is also know by the following alias ("AKAs") names:

Daniel BENTANCOURT

- (4) On April 29, 1998, the DEFENDANT was convicted in the Superior Court of California, for the offense of ASSAULT WITH A DEADLY WEAPON, a felony, in violation of California Penal Code Section 245(a)(1), and was sentenced to two years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(F);
- (5) On June 3, 1999, INS arrested and deported the DEFENDANT from the United States to Mexico;
- (6) On May 10, 2004, the DEFENDANT was convicted in the Superior Court of California, for the offense of ASSAULT WITH A DEADLY WEAPON, a felony, in violation of California Penal Code Section 245(a)(1), and was sentenced to four years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(F);
- (7) On February 28, 2007, the DEFENDANT was encountered by ICE Immigration Enforcement Agent (IEA) Alejandro Sierra, at Soledad State Prison, Soledad, California, and during initial questioning, was determined to be unlawfully present in the United States after a prior deportation. IEA Sierra advised the DEFENDANT of his Miranda rights in the Spanish language. The DEFENDANT waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the United States;

RE: VICTORIA-BENTANCOURT, Daniel

A 078 055 234

- (8) The DEFENDANT's official A-File does not contain any record or indication that the DEFENDANT requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (9) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.

Dani L. Montoya

Darin L. Masterton
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 16 day of May, 2007

Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE

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